

**TOWN OF BIG FLATS AGENDA
WEDNESDAY, JULY 22, 2015 AT 7:00 P.M.**

WATER BOARD

CALL TO ORDER

PUBLIC HEARING: 7:00P.M. Banning for Water District 4 & 5

UNFINISHED BUSINESS

Banning for Water District 4 & 5

TOWN BOARD

CALL TO ORDER

CONCERNS OF THE PEOPLE

MINUTES –June 24, 2015 and July 8, 2015

NEW BUSINESS

Community Broadcasters LLC Amendment

Budget Transfer and Void check

Abstract of Audited Vouchers

Support Bill HR 510

Communication Log

PROPOSED RESOLUTION NO. 01-072215
A RESOLUTION TO APPROVE THE BANNING FOR WATER DISTRICT 4 & 5

Resolution by:
Seconded by:

WHEREAS, the Town Board of the Town of Big Flats, Chemung County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Water Districts No. 4 and No. 5 in the Town of Big Flats, Chemung County, New York, consisting of (i) the purchase of water meters with radio read heads and software (\$550,000), the cost of which will be allocated between Water Districts No. 4 and No. 5, and (ii) the installation of a water booster pump station and generator to allow for an interconnection with the City of Elmira (\$450,000), the cost of which will be allocated entirely to Water District No. 5, including costs incidental thereto; and

WHEREAS, at a meeting of said Town Board duly called and held on July __, 2015, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of Water District Nos. 4 and No. 5 in said Town at a maximum estimated cost of \$1,000,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 476 Maple Street, in Big Flats, New York, in said Town, on July 22, 2015, at 7:00 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Big Flats, Chemung County, New York,
as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvement, to increase and improve the facilities of Water District Nos. 4 and 5 in the Town of Big Flats, Chemung County, New York, consisting of (i) the purchase of water meters with radio read heads and software (\$550,000), the cost of which will be allocated between Water Districts No. 4 and No. 5, and (ii) the installation of a water booster pump station and generator to allow for an interconnection with the City of Elmira (\$450,000), the cost of which will be allocated entirely to Water District No. 5, including costs incidental thereto, at a maximum estimated cost of \$1,000,000.

Section 2. This order shall take effect immediately.

CARRIED: AYES:
NAYES:

PROPOSED RESOLUTION NO. 02-072215

A RESOLUTION TO AMEND THE DATE OF THE COMMUNITY BROADCASTERS, LLC,
FIREWORKS DISPLAY AT THE ELMIRA CORNING REGIONAL AIRPORT, TO NOW BE
ON SATURDAY SEPTEMBER 5, 2015 AT 9:45 P.M.

Resolution by:

Seconded by:

WHEREAS Community Broadcasters, LLC has contracted with Young Explosives to conduct a fireworks display at the Elmira Corning Regional Airport on Saturday, June, 27, 2015 at 9:45 P.M., and

WHEREAS bad weather occurred and fireworks display has been postponed, and

WHEREAS Community Broadcasters, LLC has rescheduled the fireworks display for Saturday, September 5, 2015, with no rain date, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Amended Fireworks Permit, contingent upon the review and approval by the Attorney of the Town, permitting the fireworks display sponsored by Community Broadcasters LLC, at the Elmira Corning Regional Airport to be held on September 5, 2015 at 9:30 P.M. with no rain date.

CARRIED: AYES:

NAYES:

PROPOSED RESOLUTION NO. 03-072215
A RESOLUTION TO APPROVE BUDGET TRANSFERS AND A VOID CHECK

Resolution by:

Seconded by:

WHEREAS a memorandum was received from the Bookkeeper, dated July 16, 2015 requesting authorization for budget transfer to accommodate the following overspent budgets, and a void check, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such further action is necessary regarding the same, now

To	Records Management –CE- A.1356.0100	950
	Central Data Processing-CE-A1680.0400	10,000

From Contingency –CE-1990.0400	10,950, and
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BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to void check # 13727 made payable to Kelly Ormsby dated 12/30/14 amount \$30.00 and deleting voucher #4004249 due to exceeding its 6 months required cashing period.

CARRIED: AYES:
NAYES:

PROPOSED RESOLUTION NO. 04-072215
A RESOLUTION TO APPROVE THE ABSTRACT OF AUDITED VOUCHERS

Resolution by:

Seconded by:

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for January 2015, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 53,970.16
HIGHWAY FUND	\$ 849,935.54
WATER DISTRICT #4	\$ 1,611.51
WATER DISTRICT #5	\$ 49,889.84
LIGHTING DISTRICT	\$ 496.75
TRUST FUND	\$ 1,782.57

CARRIED: AYES:

NAYS:

PROPOSED RESOLUTION NO. 05-072215
A RESOLUTION IN SUPPORT OF CONGRESSMAN THOMAS REED'S
BILL HR 510, THE DEFENSE OF PROPERTY RIGHTS ACT
FOR COMPENSATION FOR PROPERTY OWNERS

Resolution by:

Seconded by:

WHEREAS the right to own and use property is essential to a free society, and

WHEREAS property rights are clearly outlined in the Fifth Amendment of the United States Constitution, and

WHEREAS the Fifth Amendment states that “no person... be deprived of life, liberty, or property, without due process of law: nor shall private property be taken for public use, without just compensation.”, and

WHEREAS taking of private land for public use by government may occur in the form of physical takings or regulatory takings, and

WHEREAS regulatory takings occurs when the use of private property is limited by government regulation, and

WHEREAS federal, state and local government regulations have significantly affected the value and use of private land, and

WHEREAS private property owners deserve just compensation when regulations significantly affect the value and use of their land, and

WHEREAS the decision by New York State to ban high-volume hydraulic fracturing significantly affects the value and use of private land, and

WHEREAS government regulations and decisions regarding the definition of Waters of the United States and wetlands determinations may significantly affect the value and use of private land, and

WHEREAS government at all levels should protect the right for people to own and use their property, and

WHEREAS establishing a legal framework for Americans to seek compensation when government significantly impairs the use and value of their land is fair, and

WHEREAS HR 510, the Defense of Property Rights Act, introduced in the United States House of Representatives allows landowners the opportunity to seek compensation in federal or state court if government action impairs the value of their land by \$20,000 or by twenty percent, now

THEREFORE, BE IT RESOLVED the Town of Big Flats Town Board is in full support of House Bill HR 510 and fully supports Congressman Thomas Reed efforts to compensate property owners when significantly affects the value of their property.

CARRIED: AYES:
NAYES:

PROPOSED RESOLUTION NO. 06-07222015
A RESOLUTION TO APPROVE THE COMMUNICATION LOG FOR JULY 22, 2015, AS
PRESENTED BY THE TOWN CLERK

Resolution by:
Seconded by:

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

July 8, 2015

Big Flats Business Association- RE: Meeting Minutes. Referred to: *Town Board and Town Clerk for filing.*

July 14, 2015

The Senate State of New York, Thomas F. O'Mara Senator 58th District. RE: Support for the passage of S4466, to join a county self-funded or self-insured health plan. Referred to: Town Board, and filed with Town Clerk.

July 14, 2015

Simmons-Rockwell RE: Progressive stance Big Flats is taking on securing more business as well as retaining future growth by investing in our youth. Referred to: Town Board, and filed with Town Clerk.

July 15, 2015

Time Warner Cable RE: Learn how to become a TWC Vendor or Supplier. Referred to: Town Board, and filed with Town Clerk.

July 15, 2015

Time Warner Cable – RE: July 15, 2015 Programming Notice Changes. *Referred to: Town Board, and filed with Town Clerk.*

CARRIED: AYES:
NAYES: